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January 19, 2017

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Blue Jay Wireless, LLC Petition for Streamlined Designation as a Lifeline broadband Provider Eligible Telecommunications Carrier; Oral Ex Parte Presentation; WC Docket No. 09-197

Dear Ms. Dortch:

On January 17, 2017, John Heitmann of Kelley Drye & Warren LLP spoke via telephone on behalf of Blue Jay Wireless, LLC (Blue Jay) with Claude Aiken, Legal Advisor to Commissioner Clyburn regarding Blue Jay's pending petition for designation as a Lifeline Broadband Provider (LBP) pursuant to the Lifeline Modernization Order.¹

During this discussion, I contested the Wireline Competition Bureau's (Bureau's) removal of Blue Jay's petition from streamlined processing. Specifically, I explained that the newly minted LBP designation process already was in danger of becoming a replica of the dysfunctional federal ETC designation and Lifeline-only compliance plan approval processes, through which the Commission has thwarted competitive entry not only in those states where it designates wireless service providers as ETCs, but across the country.² By standardizing application requirements and review periods, the LBP designation process was designed to streamline competitive entry, not thwart it.

¹ See *Lifeline and Link Up Reform and Modernization et al.*, WC Docket No. 11-42 et al., Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962, 3969, para. 22 (2016) (Lifeline Modernization Order).

² Blue Jay has had a federal ETC petition pending since May 21, 2012. See *Blue Jay Wireless, LLC Petition for Limited Designation as an Eligible Telecommunications Carrier in Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee, and Virginia*, WC Docket No. 09-197, (Filed May 21, 2012).

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I also contested the Bureau's claim that "[i]n determining whether the Bureau should grant a petition for LBP designation, the Bureau should consider the unique 'advantages and disadvantages of the applicant's service offerings.'" ³ I explained that with the Commission's broadband minimum service standards in place, it should approve applicants on a technology- and service-neutral basis so that consumers can determine for themselves—based on their individual circumstances—the advantages and disadvantages of particular service offerings.

Despite the foregoing concerns, I nevertheless highlighted the unique advantages of Blue Jay's Lifeline broadband service offerings. Blue Jay is an established Lifeline service provider that leverages technology and relationships to allow subscribers to improve their lives and earn more data through the use of broadband enabled services. Blue Jay has partnered with two types of mobile application partners to deliver a portfolio of apps that advance its mission. The first type of mobile application partner provides a service that enables customers to earn additional value (e.g., additional voice minutes and data), including through a lock-screen application, an "offer wall," and a transportation application. The second type of mobile application partner provides a social benefit to our customers, including telehealth services, jobs applications, and education and training resources. In addition, through its #GiveADay initiative, each employee at Blue Jay is encouraged to volunteer one day each month in the communities they serve.

I concluded by requesting support for approving Blue Jay's LBP designation so that consumers in states like New York, Florida and elsewhere could gain access to Blue Jay's unique and innovative Lifeline service offerings.

Pursuant to Section 1.1206(b) of the Commission's rules, this letter is being filed electronically.

Respectfully submitted,



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Counsel to Blue Jay Wireless, LLC

cc: Claude Aiken

³ See Lifeline Modernization Order ¶ 22.